

RE: SORENSON'S PETITION FOR A DECLARATORY RULING OR ALTERNATIVELY A RULEMAKING REGARDING CALL HANDLING OBLIGATIONS

If the FCC rules "No" on the two questions that Sorenson poses in its petition, it will (a) mandate that VRS interpreters interpret all calls including the ones in which callers openly commit crimes during the calls and (b) make it legal and required for VRS interpreters to aid individuals who use VRS to openly commit wire fraud against deaf and hard-of-hearing people or to openly commit other crimes.

It has been said that the FCC is aware of VRS being used by people to blatantly commit crimes such as wire fraud and that it **obligates** VRS interpreters to interpret such calls. In its mandatory minimum standards, however, the FCC uses as qualifying language, "to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes". But, at the same time, the FCC requires VRS interpreters to aid and abet criminals? The Americans with Disabilities Act does not require or endorse the violation of other laws in a blind pursuit of "functional equivalence" within TRS.

There have been significant changes in Telecommunication Relay Service since the FCC's Public Notice in 2004. Video Relay Service, for example, is altogether different from TTY Relay. One significant difference is that the VRS interpreter is not invisible and is not represented merely by words typed across a screen. During a VRS call, the deaf or hard-of-hearing person sees the interpreter—a human being—on the screen.

As cross-cultural and cross-lingual facilitator, the Interpreter is imbued with great power. Historically, deaf and hard-of-hearing people have encountered interpreters only in settings that are legitimate under the law such as medical appointments, court proceedings, educational programs, business meetings, social service appointments, weddings, and funerals. In the community, interpreters are not associated with illegal enterprises. Criminals do not hire interpreters to aid in criminal endeavors. If they

did, it is highly unlikely that interpreter referral agencies would knowingly collude with them or that interpreters would knowingly accept such work. Through VRS, however, criminals can employ interpreters free of charge and with anonymity.

During VRS calls, the deaf caller sees the Interpreter and only the Interpreter. The audio caller is never seen. To the Deaf caller's eyes, the trusted Interpreter is the face of the call. Because interpreters in the community have been used historically only for legitimate interactions, many deaf people automatically associate interpreted encounters as legitimate--a diagnosis from a doctor, questions from a loan officer, instructions from a teacher, an order from a judge, for example. In this way, a faceless stranger calling through a VRS interpreter is, to the eyes of many deaf people, automatically legitimized.

As steward of the TRS fund, the FCC is responsible for preventing fraud within the VRS industry. How can it therefore require the TRS fund to be used to aid criminals who openly use VRS calls to commit crimes? The FCC cannot effectively fulfill its role as steward of the TRS fund without seeking input, and continued input, from VRS interpreters themselves.

Respectfully,

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